

**OCT 18 2007**

Serial No. 10/780,743

KAS-199

Amendment

Responsive to Office Action dated April 18, 2007

**Amendments to the Drawings:**

The attached sheets of drawings includes changes to FIGS. 1, 7 and 8. These sheets, which includes FIGS. 1, 7 and 8, replace the original sheets including these figures. In Fig. 1, reference numeral 62 has been deleted. In Figs. 7 and 8, the reference number changes include changing 73, 75 and 71 to 71, 75 and 76, respectively.

Attachments:           2 Replacement Sheets  
                          2 Annotated sheets showing changes

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**REMARKS****Pending Claims**

Claims 9-14 are pending. Claims 1-8 have been canceled without prejudice or disclaimer. Claims 9-19 have been added. No new matter has been added.

**Information Disclosure Statement**

The Examiner has stated that the EP Appln. No. 601213 submitted with the IDS filed October 7, 2004 will not be considered until an English language translation or equivalent is submitted. Applicants will provide an English language translation of the EP '213 document if requested. However, applicants note that the reason the EP '213 document has been submitted is that it was cited in a European Search Report in a corresponding European patent application. Further, the reference was cited under the category A: Technological Background.

**Drawings**

Figure 1 has been corrected to overcome the Examiner's objection with respect to the use of reference number 62. The reference number 35 represents the reaction cuvette, and the reference number 62 represents the sample discharge position. These reference numbers have been used consistently throughout the figures.

In Figs. 7 and 8, the reference number changes include changing 73, 75 and 71 to 71, 75 and 76, respectively for consistency with Fig. 4.

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The specification describes that "each of the sample probes 15, 16 has a liquid level detecting function and a clogging detecting function. Accordingly, these functions are shown as part of the sample probes themselves, schematically, and further illustration of these functions is not required for the purposes of showing that which is claimed according to 37 CFR 1.83(a). Additionally, all of the features now claimed by Applicants are shown in the drawings.

#### **Specification**

The change required to the heading "SUMMARY OF THE INVENTION" has been made as required.

Also, the specification has been amended at pages 12 and 13 to clarify that Fig. 3 shows sample probes 15, 16 being moved between one sample container 61 placed on the rack 11 and located in a position where a sample is to be sucked by the sample probe, and one of the reaction cuvettes 35 located in a position 62 where a sample is to be discharged from the sample probe. The sample probe 15 is movable among three points, i.e., the sample container 61, the sample discharge position 62, and a washing position 63. Numeral 65 denotes the path along which the sample probe 15 moves. On the other hand, the sample probe 16 is movable among three points, i.e., the sample container 61, the sample discharge position 62, and a washing position 64. The sample discharge position 62 is also shown in Figs. 5, 7 and 8, and therefore additional specification amendments have been made with respect to the description of these figures for consistency.

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#### **Claim Rejections Under 35 U.S.C. §112**

Applicants have canceled claims 1-8 without prejudice or disclaimer thereby rendering the rejection under 35 U.S.C. §112, second paragraph moot. Further, new claims 9-14 that have been added by the present amendment comply with 35 U.S.C. §112.

#### **Claim Rejections Under 35 U.S.C. §§102 and 103**

Claims 1 and 5-8 are rejected under 35 U.S.C. §102(b) as being anticipated by Babson et al, U.S. Patent No. 5,885,530. Claims 1, 2, 4, 7 and 8 are rejected under 35 U.S.C. §102(b) as being anticipated by Itoh, U.S. Patent No. 5,445,037. Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Itoh '037. Applicants request reconsideration of the rejections in view of the addition of new claims 9-19 and for the following reasons.

According to the present invention, the movement of the sample probe head forms a closed loop, and a sample container and a reaction cuvette are arranged under the moving sample probe. See Figs. 5, 7 and 8. The controller controls the sample probe to reciprocally move the sample probes between the sample suction position and the sample discharge position alternately so as to prevent the sample probes from colliding with each other. The same sample and the same sample container can be sucked and discharged to plural reaction cuvettes continuously and efficiently in accordance with the timing charts shown in Figure 6.

Specifically, the operation of moving the sample probe 15 in the back-and-forth direction and the operation of moving the sample probe 15 in the left-and-right direction is performed such that one of those operations follows the other. For example, a sample probe

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head 75 is movable in a plane constituted by both rails 71, 73, and a nozzle 77 having a vertical moving mechanism that enables the sample probe head 75 to move in a three-dimensional space, as shown in Fig. 4. Sample probe 15 is movable among three points, i.e., the sample container 61, the sample discharge position 62, and a washing position 63, as shown in Fig. 3, and numeral 65 denotes the path along which the sample probe 15 moves. Similarly for sample probe 16, the movement is along rails 72, 74 in the back-and-forth direction between the sample container 61 and the sample discharge position 62, while it is movable along a rail 74 in the left-and-right direction between the washing position 64 and the sample container 61 or the sample discharge position 62. These aspects of the invention are not disclosed or suggested to one having ordinary skill in the art by the prior art of record.

In particular, Babson fails to disclose the rails of the present invention and the sample probes that move along the rails wherein the rails make a closed loop in combination with a controller for controlling the moving of the sample probes to reciprocally move between the sample suction position and the sample discharge position alternately so as to prevent the sample probes from colliding with each other.

In Itoh, a pair of distributing heads can be reciprocated respectively. However, the parent sample containing bodies 10 and child sample containing bodies 20 are moved in each reciprocation motion of the distributing head. Therefore, one sample and one parent sample containing body is sucked and discharged to one child sample containing body 20, and is not discharged to another child sample containing body 20. Accordingly, neither Itoh nor the combination of Babson and Itoh discloses the rails of the present invention and the sample

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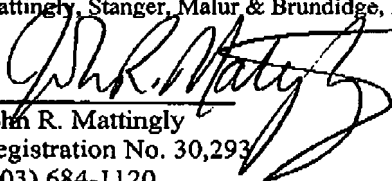
probes that move along the rails wherein the rails make a closed loop in combination with a controller for controlling the moving of the sample probes to reciprocally move between the sample suction position and the sample discharge position alternately so as to prevent the sample probes from colliding with each other. Further, the combination of the references does not render the claimed method of new claims 15-19 obvious for the foregoing reasons. Accordingly, applicants respectfully request that the rejections be withdrawn.

**Conclusion**

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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